

### **REMARKS**

Applicants have herein amended claims 1, 18 and canceled claims 8 – 17. Claims 1 – 7, 18 and 19 remain pending in this application. At least for the reasons set forth below, Applicants respectfully traverse the foregoing rejections.

As Applicants' remarks with respect to the Examiner's rejections are sufficient to overcome these rejections, Applicants' silence as to assertions by the Examiner in the Office Action or certain requirements that may be applicable to such rejections (e.g., whether a reference constitutes prior art, motivation to combine references, assertions as to dependent claims, etc.) is not a concession by Applicants that such assertions are accurate or such requirements have been met, and Applicants reserve the right to analyze and dispute such assertions/requirements in the future. Further, for any instances in which the Examiner took Official Notice in the Office Action, Applicants expressly do not acquiesce to the taking of Official Notice, and respectfully request that the Examiner provide an affidavit to support the Official Notice taken in the next Office Action, as required by 37 CFR 1.104(d)(2) and MPEP § 2144.03. Applicants respectfully request reconsideration of the present application in view of the above amendments and the following remarks.

### **Claim Rejections – 35 U.S.C. § 102**

Claims 1 – 4, 7 – 9, 15 and 16 were rejected under 35 U.S.C. § 102(b) as anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as obvious over Roscoe (U.S. Patent No. 6,460,677) (hereinafter, "Roscoe"). As an initial matter, Applicants have canceled claims 8, 9, 15 and 16 thereby rendering the rejection moot as to the canceled claims. Applicants respectfully traverse the rejection of claims 1 – 4 and 7.

- I. **Roscoe does not teach a differential carrier having an oppositely extending dish-shaped carrier and dish-shaped cover and therefore cannot anticipate Applicant's claim 1.**

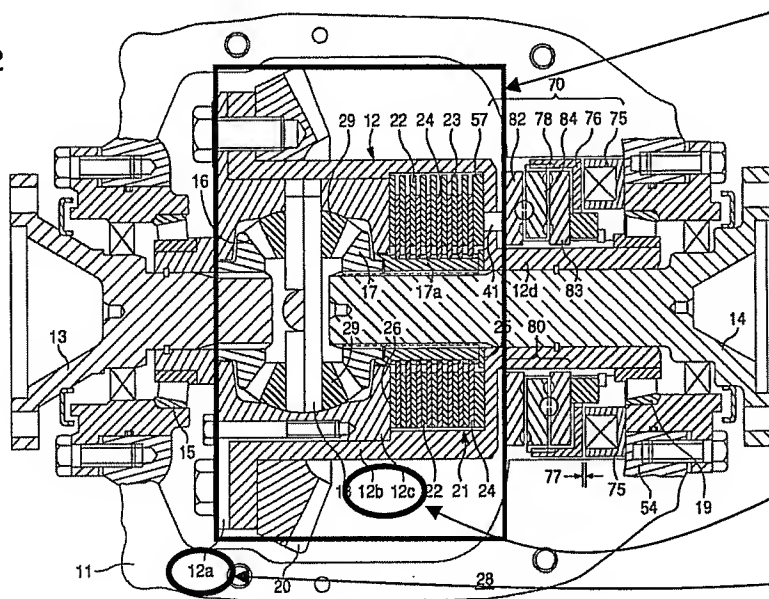
Independent claim 1, as amended, recites:

A differential drive with a rotatably arranged differential carrier in which a multi-plate coupling is arranged so as to be effective between the differential carrier and a sideshaft gear, the differential carrier comprising a dish-shaped carrier part in which there are received sideshaft gears and differential gears, and a dish-shaped cover which receives the plates of the multi-plate coupling, wherein the dish-shaped carrier part and the dish-shaped cover extend away from each other.

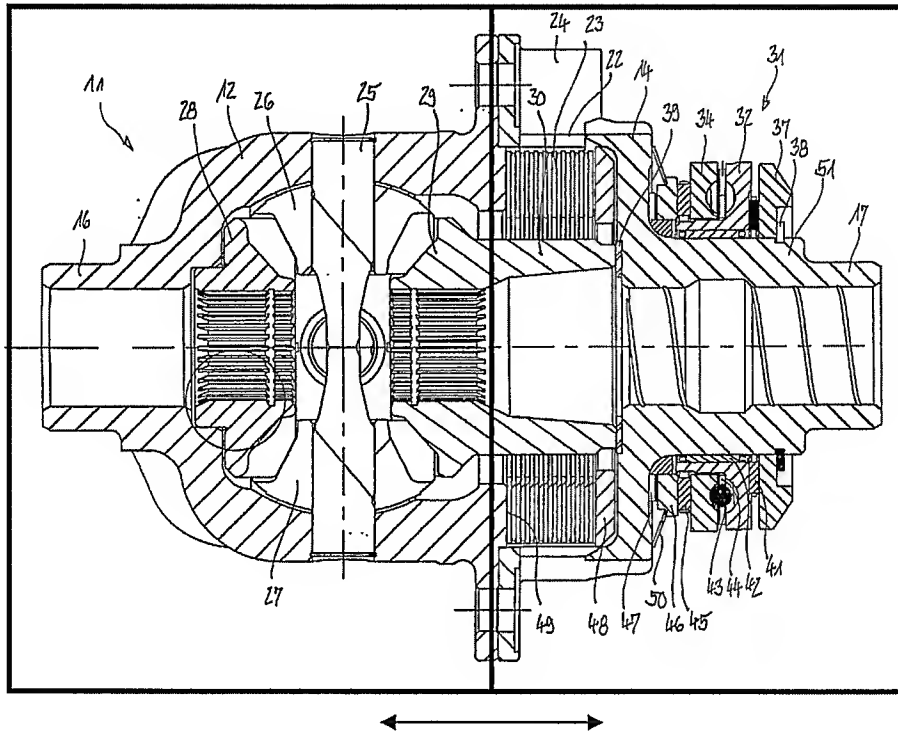
Roscoe does not teach or suggest at least “wherein the dish-shaped carrier part and the dish-shaped cover extend away from each other.”

Instead, Roscoe teaches at most a “component 12b is generally cup-shaped, whilst the component 12a secured to the component 12b (by the bolts which hold the ring gear 20) closes the open end of the component 12b. Component 12c fits within the component 12b being secured to the closure part 12a by further bolts. The parts 12a, 12c support two transversely extending pins at right angles to one another, one of which is indicated at 18.” *See col. 3, lines 25 – 33.* Further, Roscoe teaches that “friction assembly 21 is disposed in the differential case, comprising interleaved friction plates 22, 24 of which the plates 22 are rotationally fast with the case part 12b.” *See col. 3, lines 39 – 41.*

Fig. 2



Roscoe's generally cup-shaped component 12b creates the cavity, while closure part 12a extends into the cup-shaped component 12b and encloses the gears and discs creating a lid, thus both 12b and 12a extend in the same direction, which is unlike Applicants' claim 1 where both the dish-shaped carrier part and the dish-shaped cover extend away from each other to create a single cavity.



Applicants' dish-shaped carrier part 12 and dish-shaped cover 14 extend away from each other thus, creating a cavity.

Roscoe thus discloses a cover extending into the generally cup-shaped component. Roscoe in no way teaches or suggests "wherein the dish-shaped carrier part and the dish-shaped cover extend away from each other" as recited in Applicant's claim 1.

For at least the foregoing reasons, claim 1 and claims 2 – 7, depending therefrom, are allowable over Roscoe. Withdrawal of the rejection is respectfully requested.

### **Claim Rejections – 35 U.S.C. § 103**

Claims 5, 6, 10 – 14 and 17 – 19 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Roscoe in view of Szuba (U.S. Patent No. 6,945,898) (hereinafter, "Szuba"). Applicants respectfully traverse this rejection. As an initial matter, Applicants have canceled claims

10 – 14 and 17 thereby rendering the rejection moot as to the canceled claims. Applicants respectfully traverse the rejection of claims 5, 6, 18 and 19.

**I. The combination of Roscoe and Szuba does not obviate the claims as neither teach or disclose “wherein the dish-shaped carrier part and the dish-shaped cover extend away from each other,” as recited in Applicants’ independent claim 1.**

Moreover, claims 5 and 6 depend directly from allowable claim 1. The remarks presented above with respect to the §102 rejection are equally applicable here. Specifically the inadequacy of Roscoe to teach every element of independent claim 1 is also fatal to the Examiner’s §103 rejection. Additionally, Szuba does not make up for the inadequacies described above in Roscoe. Szuba teaches at most a bowl shaped housing 12 having an open end 20 and lid 24 welded to onto the housing to seal the house shut. *See col. 3, line 10 thru col. 4, line 18.* Therefore, Szuba merely discloses one open ended bowl shaped housing extending in one direction and a lid that does not extend in any direction that is secured to the open end. Therefore, the combination of Roscoe and Szuba does not teach every recitation of claim 1, as required in *In re Royka*.

Accordingly, for at least the forgoing reasons, independent claim 1 and claims 5 and 6, depending therefrom, are allowable. Withdrawal of the rejection is respectfully requested.

**II. The combination of Roscoe and Szuba does not obviate the claims as neither teach or disclose “a dish-shaped carrier part in which there are received sideshaft gears and differential gears, and a dish-shaped cover which receives the plates of the multi-plate coupling,” as recited in Applicants’ independent claim 1.**

Applicants believe that recitations of independent claim 18, even prior to the present amendment, are neither disclosed nor suggested by Roscoe or Szuba and the claim is therefore not obvious.

Independent claim 18, as amended, recites:

A differential drive with a rotatably arranged differential carrier in which a multi-plate coupling is arranged so as to be effective between the differential carrier and a sideshaft gear, the differential carrier comprising:

a dish-shaped carrier part in which there are received sideshaft gears and differential gears, and a dish-shaped cover which receives the plates of the multi-plate coupling, wherein the carrier part and the cover each comprise a base portion, a casing portion and a connecting portion for inter-connecting the carrier part with the cover, wherein the carrier part and the cover are connected such that the base portions are arranged on opposite sides with regard to said connecting portions.

Neither Roscoe nor Szuba teach or suggest at least “a dish-shaped carrier part in which there are received sideshaft gears and differential gears, and a dish-shaped cover which receives the plates of the multi-plate coupling.”

Instead, Roscoe teaches at most a generally cup-shaped carrier having both the gears and plates received therein. *See Fig. 2*. Szuba fails to make up for the deficiencies of Roscoe as Szuba teaches at most a bowl shaped housing having both the gears and plates received therein. *See Fig. 1A*. Therefore, both Roscoe and Szuba fail to teach or suggest “a dish-shaped carrier part in which there are received sideshaft gears and differential gears, and a dish-shaped cover which receives the plates of the multi-plate coupling,” as recited in Applicants’ claim 18.

Accordingly, for at least the forgoing reasons, independent claim 18 and claim 19, depending therefrom, are allowable. Withdrawal of the rejection is respectfully requested.

### **Conclusion**

In view of the above amendment and remarks, the pending application is in condition for allowance. If, however, there are any outstanding issues that can be resolved by telephone conference, the Examiner is earnestly encouraged to telephone the undersigned representative.

It is believed no fees are due with this response. However, if any fees are required in connection with the filing of this paper that are not identified in any accompanying transmittal, permission is given to charge our Deposit Account No. 18-0013, under Order No. 66968-0020 from which the undersigned is authorized to draw. To the extent necessary, a petition for extension of

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Amendment dated September 17, 2009  
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time under 37 C.F.R. §1.136 is hereby made, the fee for which should also be charged to this Deposit Account.

Dated: September 17, 2009

Respectfully submitted,

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